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here subsides into silent, suffering condemnation. The writers have seen my book on "Waiver distributed among the departments Election, Estoppel, Contract, and Release," but it has not been of the slightest service to either of them.

And so, to the frequently repeated assertion that Anson on Contracts is the best book on the subject, I am still constrained to say, "Possibly, but what a distressingly humiliating confession!"

JOHN S. EWART.

OTTAWA, CANADA.

CELEBRATION LEGAL ESSAYS. By Various Authors. To Mark the Twenty-fifth Year of Service of John H. Wigmore as Professor of Law in Northwestern University. Chicago: Northwestern University Press. 1919. pp. 602.

This collection of articles, first fittingly published in the *Illinois Law Review*, is now issued in a single volume, with a useful index. While *Festschriften* have not been common in this country — that presented by his colleagues to Professor Langdell being among the first — this occasion is well justified by Professor Wigmore's distinguished career.

His first professional appointment, in a Japanese university, naturally turned Wigmore's attention to the general principles, rather than the details, of the common law; and immediately upon his return to this country and his appointment to the Northwestern University he began to give us the results of his speculative thought. His legal masters were, like those of most of us in that day, Thayer and Ames; and it is significant that Wigmore's most fruitful work has been in their fields, Evidence and Torts. From Ames he acquired the power of legal generalization which he has so nobly used in his analysis of the law of Torts; from Thayer the historic method and the point of view which he has worked out in his monumental book on Evidence. But while he has individually and originally developed these suggestions of his masters, Wigmore's great achievement as a legal scholar, his chief claim to fame, above his marked originality of analysis and his incisive individuality in construction, is his patient, energetic massing of his materials, his thorough and lawyerlike presentation and consideration of his evidence, his open-minded dealing with theories and arguments. His "Evidence" is the last word on the subject, because it covers everything that can profitably be said about it; his remarkable collection of materials for the study of Torts gets its chief value from the fact that one need not step outside its covers to find what material one requires. A classmate delights to lay at Wigmore's feet this slight word of appreciation for the individuality, the originality, and the scholarship of his friend.

Are the articles worthy of their occasion? That could hardly be expected of all of them. *Inter arma leges at least minime dicunt*. Out of thirty-three articles it is a pleasure to find at least eight of adequate quality. If one were to be selected for special commendation, the reviewer would name the remarkable study on Liberty of Testation by Professor McMurray. The other twenty-five are for the most part slight, but none profitless. As a collection it is worthy of serious study.

JOSEPH H. BEALE.

THE GROTIUS SOCIETY: PROBLEMS OF THE WAR. Volume II. London: Sweet and Maxwell. 1917. pp. xxv, 178.

This is a collection of the papers read before the Grotius Society in 1916. The rules of that body say that "it shall be a British Society." As many of the opinions on international law expressed in the present war by citizens of belli-

gerent countries have been so partisan as to cast discredit both upon the authors and upon the science in which they have been supposed to be experts, the reader inevitably opens this volume with suspicion. Yet these papers are scientific and fair. This is extraordinary in view of the topics covered: "The Treatment of Enemy Aliens;" "The *Appam*;" "The Principles Underlying the Doctrine of Contraband and Blockade;" "War Crimes;" "The Nationality and Domicil of Trading Corporations;" "Neutrals and Belligerents in Territorial Waters;" "The Treatment of Civilians in Occupied Territories;" "War Treason;" etc.

For an American there are at least two papers of peculiar interest. The one entitled "The *Appam*" serves as a valuable commentary on the case eventually decided March 6, 1917, and reported in 243 U. S. 124, under the title "The Steamship *Appam*." The paper on "The Principles Underlying Contraband and Blockade" frankly objects to the American historic attitude regarding the rights of neutrals, and raises the suspicion that the author does not recognize the abnormalness of war and actually believes, after the fashion of militarists, in a duty of neutrals to give up their commerce or at least to modify their commerce in the interest of belligerents; but it is noticeable, and creditable, that the success of the author's contention would have been detrimental to the British, as the author well knew, for he said (p. 28) that "it is beside the mark to dwell on the fact that in the present desperate struggle Great Britain and the Cause of Right are vastly benefiting, in view of the British control of the sea."

An unfortunate mark left upon the papers by war is the evidence of haste, for the writers worked rapidly in view of special emergencies, and there was not time for thorough research. Thus in the paper on "The Treatment of Enemy Aliens," instead of beginning, as a man with leisure might begin, with the forty-first article of the Magna Charta of 1215, "the writer does not propose to go back to the times before the birth of International Law, but limits himself to the provisions of such treaties bearing on the position of enemy aliens on the outbreak of war as are accessible at the moment" (p. 2); and the result is that he begins with 1659, a date quite early enough for practical purposes. Indeed, perhaps it is wrong to suggest a regret that there are marks of haste, for the cause of those marks is also the cause of a certain sprightliness and shrewdness not always found in the work done by men of leisure. However that may be, it is certain that as yet there has appeared no more scholarly or comprehensive volume dealing with the international law problems of the World War, and also that the circumstances in which the papers were produced must cause them to be of permanent interest.

E. W.

A PRELIMINARY TREATISE ON THE LAW OF REAL PROPERTY. By Elliott Judd Northrup. Boston: Little, Brown and Company. pp. 414.

The author states in his preface that the book is intended to serve as a text for a short course on real property law, each chapter to serve as a lesson. In dealing with students beginning the study of law, there are some parts of the law of real property which it is better to cover, in the main, by mere exposition. These include rules which can be stated with a certainty approximating mathematical certainty, and which are part of the historical background of the modern law of real property. Professor Northrup's work contains an exposition of such matters as the feudal system and tenure, estates, forms of concurrent ownership, seisin and disseisin, reversionary interests, vested and contingent remainders, the rule in Shelley's case, descent, curtesy, dower, and methods of conveyancing at the common law and under the Statute of Uses. The exposition is careful, compact, and clear.

There are other portions of the work which are less satisfactory. Such topics